

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

APRIL 20, 2006

The Marlboro Township Council held a "Special" Budget Discussion prior to the regularly scheduled Council Meeting of April 20, 2006 at 7:20 P M at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Morelli announced that pursuant to the provisions of the Open Public Meetings Act, notice of the 7:00P M commencement of this meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on April 12, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Council Vice President Cantor, Councilman Pernice, Councilman Rosenthal (7:30PM), Councilwoman Tragni and Council President Morelli.

Also present were: Mayor Robert Kleinberg (7:50PM), Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Chief Financial Officer Ulrich Steinberg gave a brief overview of the budget.

Council discussed the following budgets:

1. Finance - Finance
 - Tax Collection
 - Tax Assessor
 - Debt Service

Health Benefits
Liability Insurance

2. Administration - Administration
Public Information
Clerk
Mayor
Council

Discussion was held, and Council asked all pertinent questions. At 8:00 PM, Council reconvened in the Town Hall and continued with the regular meeting.

Council President Morelli announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meetings of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 3, 2006; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the roll.

PRESENT: Council Vice President Cantor, Councilman Pernice, Councilman Rosenthal, Councilwoman Tragni and Council President Morelli.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Councilman Pernice moved that the minutes of March 2, 2006 and March 16, 2006 be approved. This motion was seconded by Council President Morelli and the minutes were passed on a roll call vote of 5 - 0.

Council Vice President Cantor opened the Public Hearing on Ordinance # 2006-13 (Criminal Background Checks for Volunteers).

As there was no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2006-166/Ord. # 2006-13 (Criminal Background Checks for Volunteers) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-166

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2006-13

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF MARLBORO TO CREATE A NEW CHAPTER ENTITLED "CHAPTER 56, CRIMINAL BACKGROUND CHECKS" REQUIRING CRIMINAL BACKGROUND CHECKS FOR CERTAIN VOLUNTEERS AND EMPLOYEES OF THE MARLBORO RECREATION COMMISSION

which was introduced on April 6, 2006, public hearing held April 20th be adopted on second and final reading this 20th day of April, 2006.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution # 2006-167 (Temporary Emergency Appropriation) was introduced by reference, offered by Council President Morelli, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-167

EMERGENCY TEMPORARY RESOLUTION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides authorization for an emergency temporary appropriation in anticipation of the adoption of the 2006 Municipal budget; and

WHEREAS, this resolution authorizes appropriations representing 50% of the full 2005 appropriations with the exception of debt service and seasonal considerations; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2006 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total;;

\$16,432,948.40.40 for the municipal budget and \$416,500.00 for the operations of the swim utility;

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation has been provided for in the CY 2006 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

2006 Temporary Emergency Appropriation

CURRENT FUND - OPERATING APPROPRIATIONS

| | |
|--------------------------|------------|
| Administration (30) | |
| Salary & Wages | 110,000.00 |
| Other Expenses | 26,800.00 |
| Office of the Mayor (10) | |
| Salary & Wages | 25,000.00 |
| Other Expenses | 2,850.00 |
| Township Council (21) | |
| Salary & Wages | 9,000.00 |
| Other Expenses | 4,000.00 |
| Public Information | |
| Salary & Wages | 51,000.00 |
| Other Expenses | 19,300.00 |
| Municipal Clerk (20) | |
| Salary & Wages | 86,000.00 |
| Other Expenses | 33,850.00 |

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|-------------------------------|------------|
| Finance | |
| Salary & Wages | 105,000.00 |
| Other Expenses | 15,250.00 |
| Annual Audit | 0.00 |
| Central Computer Services | |
| Salary & Wages | 14,250.00 |
| Other Expenses | 13,750.00 |
| Tax Collector | |
| Salary & Wages | 105,000.00 |
| Other Expenses | 16,500.00 |
| Tax Assessor | |
| Salary & Wages | 85,000.00 |
| Other Expenses | 47,500.00 |
| Legal Services | |
| Salary & Wages | |
| Other Expenses | 250,000.00 |
| Engineering Services | |
| Salary & Wages | 136,250.00 |
| Other Expenses | 59,200.00 |
| Economic Development | |
| Salary & Wages | |
| Other Expenses | 500.00 |
| Community Relations | |
| Other Expenses | 100.00 |
| Inter- Governmental Relations | |
| Other Expenses | 1,500.00 |
| Homeland Security | |
| Salary & Wages | 17,500.00 |
| Other Expenses | 26,000.00 |
| Historic Sites Commission | |
| Other Expenses | 2,000.00 |

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| Planning Board | |
| Salary & Wages | 51,000.00 |
| Other Expenses | 20,500.00 |
| Planning Board Contractual | |
| Other Expenses | 21,750.00 |
| Zoning Board | |
| Salary & Wages | 57,500.00 |
| Other Expenses | 13,000.00 |
| Liability Insurance | 350,000.00 |
| Workers Comp | 300,000.00 |
| Group Insurance | 1,100,000.00 |
| Unemployment Insurance | 10,000.00 |
| Police | |
| Salary & Wages | 3,500,000.00 |
| Other Expenses | 171,000.00 |
| Crime Prevention | |
| Other Expenses | 14,500.00 |
| DARE Program | |
| Other Expenses | 11,500.00 |
| Highway Safety | |
| Other Expenses | 15,000.00 |
| Emergency Management | |
| Salary & Wages | 8,750.00 |
| Other Expenses | 10,000.00 |
| Aid to Volunteer Ambulance Companies | |
| Other Expenses | 30,000.00 |
| Uniform Fire Safety Act | |
| Salary & Wages | 61,750.00 |
| Other Expenses | 10,475.00 |
| Municipal Prosecutors Office | |
| Salary & Wages | 15,000.00 |

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|------------------------------------|------------|
| Streets and Road Maint | |
| Salary & Wages | 700,000.00 |
| Other Expenses | 22,400.00 |
| Snow Removal | |
| Salary & Wages | 75,000.00 |
| Other Expenses | 200,000.00 |
| Public Works - Other | |
| Salary & Wages | 165,000.00 |
| Other Expenses | 30,000.00 |
| Shade Tree Commission | |
| Salary & Wages | 1,000.00 |
| Other Expenses | 5,000.00 |
| Solid Waste Collection | |
| Salary & Wages | 12,250.00 |
| Other Expenses | 450,000.00 |
| Buildings & Grounds | |
| Salary & Wages | 252,500.00 |
| Other Expenses | 70,000.00 |
| Vehicle Maintenance | |
| Salary & Wages | 260,000.00 |
| Other Expenses | 57,000.00 |
| Community Services Act | |
| Other Expenses | 116,100.00 |
| Public Health Services - Registrar | |
| Salary & Wages | 3,250.00 |
| Other Expenses | 850.00 |
| Drug Abuse Control | |
| Salary & Wages | |
| Other Expenses | 5,775.00 |
| Environmental Health Services | |
| Salary & Wages | |
| Other Expenses | 4,000.00 |
| Animal Control Services | |
| Other Expenses | 20,000.00 |

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|--------------------------------|------------|
| Recreation | |
| Salary & Wages | 171,500.00 |
| Other Expenses | 65,000.00 |
| Teen Program | |
| Salary & Wages | 3,500.00 |
| Other Expenses | 5,000.00 |
| Summer Youth Activities | |
| Salary & Wages | 3,500.00 |
| Other Expenses | 3,500.00 |
| Park Maintenance | |
| Salary & Wages | 195,000.00 |
| Other Expenses | 25,000.00 |
| Municipal Library | |
| Other Expenses | 8,500.00 |
| Little League | |
| Other Expenses | 0.00 |
| Pop Warner | |
| Other Expenses | 0.00 |
| Prior Year Bills | 38,500.00 |
| Accumulated Leave Compensation | 0.00 |
| Salary and Wage Adjustment | 0.00 |
| Postage | |
| Other Expenses | 30,000.00 |
| Electricity | 132,000.00 |
| Street Lighting | 305,250.00 |
| Telephone | 60,000.00 |
| Water | 7,800.00 |
| Natural Gas | 50,000.00 |
| Sewer | 3,500.00 |

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|-----------------------------|------------|
| Gasoline | 125,000.00 |
| Landfill Disposal Costs | 200,000.00 |
| PERS | 132,500.00 |
| FICA | 500,000.00 |
| Municipal Court | |
| Salary & Wages | 150,000.00 |
| Other Expenses | 57,000.00 |
| Public Defender | |
| Salary & Wages | |
| Other Expenses | 8,250.00 |
| Affordable Housing | |
| Salary & Wages | 4,500.00 |
| Other Expenses | 2,350.00 |
| Police Dispatch 911 | |
| Salary & Wages | 287,500.00 |
| Other Expenses | 105,000.00 |
| LOSAP | |
| Other Expenses | 0.00 |
| PFRS | |
| Other Expenses | 615,000.00 |
| Library County Contract | |
| Other Expenses | 10,000.00 |
| SFSP Fire District Payments | |
| Other Expenses | 7,000.00 |
| Monmouth Drug & Alcohol | |
| Grant Share | 33,095.00 |
| Local Share | 8,273.75 |
| StormWater Regulation Grant | |
| Grant Share | 15,464.00 |
| Local Share | 3,866.00 |
| Body Armor Grant | 6,694.65 |

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| NJDOT- Safe Streets to School Grant | 40,000.00 |
| Handicapped Recreational Opportunities Grant | 4,910.00 |
| Capital Improvement Fund Other Expenses | 200,000.00 |
| Preliminary Engineering Costs to Municipal Park Imps | 165,000.00 |
| Bond Principal | 1,696,000.00 |
| Bond Interest | 795,680.00 |
| Note Interest | 116,500.00 |
| Green Acres Trust - P & I | 28,865.00 |
| Capital Lease program Principal | 450,000.00 |
| Interest | 72,000.00 |
| Totals | 16,432,948.40 |

SWIM UTILITY - OPERATING APPROPRIATIONS

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|---------------------------|------------|
| Salary & Wages | 200,000.00 |
| Other Expenses | 150,000.00 |
| Capital Outlay | 40,000.00 |
| Payment of Bond Principal | 10,000.00 |
| Payment of Bond Interest | 1,500.00 |
| PERS | |
| FICA | 15,000.00 |
| Totals | 416,500.00 |

The following Resolution # 2006-128 (Tabled mgt. April 6 & March 16th- Bond Reduction Triangle Ridge Section 3) was introduced by reference, offered by Councilman Pernice, and seconded by Council President Morelli. After discussion, the resolution was passed on a

roll call vote of 4 - 1 in favor with Council Vice President Cantor voting no.

RESOLUTION # 2006-128

A RESOLUTION AUTHORIZING THE REDUCTION OF THE PERFORMANCE BOND AND CASH BOND FOR THE TRIANGLE RIDGE SECTION 3 PROJECT

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Meiterman Custom Built Homes, Inc. for the reduction of the Performance Bond and Cash Bond being held by the Township for the Triangle Ridge Section 3 Project; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 27, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends a partial reduction in the current Performance Bond and Cash Bond being held by the Township, subject to the receipt of an as-built drawing reflecting all improvements installed to date and the payment of all fees as required by the Developer's Agreement; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond for the Triangle Ridge Section 3 Project shall be reduced as follows:

The Performance Bond in the original amount of \$536,621.17 and present amount of \$285,231.24, shall be reduced by \$124,244.00 (44%), so that the amount to remain shall be \$160,986.35 (56%); and

The Cash Bond, in the original amount of \$59,624.57 and present amount of \$31,692.36, shall be reduced by \$13,805.00 (44%), so that the amount to remain shall be \$17,887.36 (56%); and

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the payment of all fees required by the Developer's Agreement and the receipt of an as-built drawing reflecting all improvements installed to date; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Meiterman Custom Built Homes, Inc.
- b. International Fidelity Insurance, Co.
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution # 2006-168 (Release of Cash Bond for Soil Removal Meiterman Commercial Properties - B.268.01, L. 42-43) was introduced by reference, offered by Councilman Pernice, seconded by Council President Morelli and passed on a roll call vote of 4 -1 in favor with Council Vice President Cantor voting no.

RESOLUTION # 2006-168

A RESOLUTION AUTHORIZING THE RELEASE OF THE CASH BOND BEING HELD BY
THE TOWNSHIP FOR SOIL REMOVAL AT BLOCK 268.01, LOTS 42-43;
ROUTE 9 NORTH IN THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro received a request by Meiterman Commercial Properties for the release of the \$15,000.00 Cash Bond being held by the Township for Soil Removal at Block 268.01, Lots 42-43; Route 9 North in the Township of Marlboro (the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated March 17, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Cash Bond being held by the Township for the Project; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Cash Bond posted for the Project shall be released in its entirety; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Meiterman Commercial Properties
- b. Township Engineer
- c. Chief Financial Officer
- d. Gluck Walrath LLP

The following Resolution # 2006-157 (Tabled mtg. April 6 - Adopting Policy & Procedure Manual) was introduced by reference, offered by Councilman Rosenthal, seconded by Council President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-157

Resolution Adopting Personnel Policies
and Procedures

WHEREAS, it is the policy of Township of Marlboro to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Township Council of the Township of Marlboro has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Township of Marlboro officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall

prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Township of Marlboro employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Council of the Township of Marlboro.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township of Marlboro shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that Matthew J. Giacobbe, Esq. of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, PO Box 790, Lyndhurst, NJ 07071-0790, is hereby appointed as Employment Attorney to advise the Township of Marlboro in personnel matters.

BE IT FURTHER RESOLVED that the Mayor and all managerial/supervisory personnel are responsible for these employment practices. The Business Administrator and the Employment Attorney shall assist the Mayor in the implementation of the policies and procedures in this manual.

The following Resolution # 2006-169 (Supporting A-1425 - Relief from Municipal Cap Law) was introduced by reference, offered by Council President Morelli, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-169

RESOLUTION FOR RELIEF FROM THE MUNICIPAL CAP LAW

WHEREAS, since their institution in 1977 as part of the package of bills establishing the Property Tax Relief Fund, funded by New Jersey's first Income Tax, the artificial limits on local budgetary discretion contained in the local government cap law have, repeatedly, proved to be unworkable and in need of amendment in times of fiscal stress; and

WHEREAS, the latest amendments to the cap law were enacted in 2004 as part of Governor McGreevey's FAIR Plan, which was supposed to provide short term property tax relief and produce long term property tax reform, the cap amendments being a part of the short term relief component; and

WHEREAS, those 2004 amendments drastically lowered the cap, eliminated important exceptions to the cap and severely limited the use of 'cap banking,' which is crucial to municipal intermediate range budgetary planning; and

WHEREAS, despite the recommendations of the Governor's Blue Ribbon Property Tax Convention Task Force and despite the energetic efforts of a core of concerned and committed legislators and the outspoken support of a large and growing coalition of citizens' public interest groups, the Legislature has, to date, failed to advance the cause of property tax reform, continuing decades of inattention to a problem that a majority of our fellow citizens consistently identify as their greatest public policy concern; and

WHEREAS, instead, State policy makers have consistently underfunded, cut and eliminated crucial municipal property tax relief programs, thereby exacerbating the property tax crisis and making it increasingly difficult for municipal budget makers to attend to the needs and honor the wishes of local property taxpayers and to deal with current fiscal stresses over which they have no control; and

WHEREAS, in recognition of these serious issues, legislation has been introduced to provide appropriate flexibility to help local budget makers better meet citizen needs for high quality public programs and services; and

WHEREAS, in order to do so, the bill (A-1425) would: first, make permanent the temporary cap exception for costs of domestic security preparedness and responses to incidents and threats to domestic security; second, make permanent the temporary cap exception for liability insurance, workers' compensation insurance and employee group insurance; and finally, provide an exception from the county and municipal local budget cap for appropriations for the costs of goods and services, including wage and salary increases that are required under contracts entered into prior to July 7, 2004, the effective date of P.L.2004, c.74, the statute that reduced the local budget cap limits to the lesser of 2.5% or the consumer price index; and

WHEREAS, while extremely beneficial for rational effective budgetary planning, the 'cap banking' problems created by the 2004 amendments will pose lasting and growing problems for municipalities trying to prepare for unanticipated exigencies and immanent needs;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of Marlboro do fully support and urge swift and favorable action on A-1425; and

BE IT FURTHER RESOLVED, that we do respectfully request an amendment to the bill to restore 'cap banking' to its previous status, as it existed prior to the 2004 amendments; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to our State Legislative Delegation and to the New Jersey League of Municipalities.

The following Resolution # 2006-170 (Authorizing Professional Services Contract - Professional Property Appraisers, Inc. - Appraisal and Inspection Services for Tax Assessor) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-170

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN PROFESSIONAL PROPERTY APPRAISERS, INC. AND THE TOWNSHIP OF MARLBORO FOR APPRAISAL AND INSPECTION SERVICES IN CONNECTION WITH IMPROVEMENTS FOR THE OFFICE OF THE MARLBORO TOWNSHIP TAX ASSESSOR

WHEREAS, the Township of Marlboro is in need of professional appraisal and inspection services in connection with improvements for the office of the Marlboro Township Tax Assessor; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Professional Property Appraisers, Inc. has submitted the attached proposal dated February 28, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$35,000.00; and

WHEREAS, the Chief Financial Officer has certified in writing that the value of this proposal will exceed \$17,500.00; and

WHEREAS, Professional Property Appraisers, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Professional Property Appraisers, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Professional Property Appraisers, Inc. from

making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Professional Property Appraisers, Inc. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Professional Property Appraisers, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Account Number 6-01- -045-228.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Arcari & Iovino Architects, P.C.
- b. Township Administrator
- c. Township Tax Assessor
- e. Township Chief Financial Officer
- f. Gluck Walrath, LLP

The following Resolution # 2006-171 (Authorizing Professional Services Contract - Stormwater General Permit - Birdsall Eng.) was introduced by reference, offered by Councilman Pernice, seconded by Council Vice President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-171

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR PROFESSIONAL SERVICES TO PROVIDE STORMWATER PERMIT COMPLIANCE TASKS IN CONNECTION WITH THE TIER A MUNICIPAL STORMWATER GENERAL PERMIT

WHEREAS, the Township of Marlboro is in need of professional services to provide stormwater permit compliance tasks in connection with the Tier A Municipal Stormwater General Permit; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Birdsall Engineering, Inc. has submitted the attached proposal dated March 6, 2006 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional engineering services for an amount not to exceed \$6,950.00; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the previous one year, and that the contract will prohibit Birdsall Engineering, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Account Number T-16-58-856-806.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.
- b. Township Engineer
- c. Township Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2006-172 (Authorizing Professional Services Contract - COAH Monitoring) was introduced by reference, offered by Council President Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2006-172

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR THE PREPARATION OF A COUNCIL ON AFFORDABLE HOUSING ANNUAL MONITORING REPORT

WHEREAS, the Township of Marlboro is in need of professional engineering services with respect to the preparation of a Council on Affordable Housing Annual Monitoring Report and GIS mapping of affordable housing sites; and

WHEREAS, Birdsall Engineering, Inc. has submitted a proposal dated April 13, 2006 to provide the required professional engineering services for an amount not to exceed \$4,500.00; and

WHEREAS, Birdsall Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that Birdsall Engineering has not made any reportable contributions to a political or candidate committee in the Township of Marlboro in the

previous one year, and that the contract will prohibit Birdsall Engineering from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional engineering services in accordance with the proposal for an amount not to exceed \$4,500.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has executed a Certification of Funds for this contract, which is attached hereto, and that sufficient funds are available for said contract from Account Number T-18-56-858-028; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution # 2006-173 (Setting Special Meetings - Budget Discussions April 26 & 27 - 7:30 PM) was introduced by reference, offered by Council President Morelli, seconded by Council

Vice President Cantor and passed on a roll call vote of 5-0 in favor.

RESOLUTION # 2006-173

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on the following dates and times:

April 26, 2006 - 7:30 PM

April 27, 2006 - 7:30 PM

at the Marlboro Municipal Complex (New Caucus Room), 1979 Township Drive, Marlboro, N. J. 07746. The purpose of these special meetings is to hold budget discussions. Citizen's Voice will be limited to 15 minutes. It is anticipated that no action will be taken.

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Cantor, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor: Res. #2006-174 (Award of State Contract - Microsoft Software), Res. #2006-175 (Authorization to Bid - LED Message Center), Res. #2006-176 (Tax Court Judgement Refund - B. 176, L. 26) and Res. # 2006-177 (Refund for Overpayment - B. 147, Lot 32.

RESOLUTION # 2006-174

RESOLUTION AUTHORIZING THE PURCHASE OF VARIOUS MICROSOFT
LICENSES STATE CONTRACT #56534

WHEREAS, the Marlboro Township Administration Department has recommended that the Township purchase six (6) licenses of Windows Server 2003 with 3 Years of Software Assurance, 1 (1) license of Exchange Server 2003 with 3 Years of Software Assurance, forty (40) Client Access Licenses (CALs) for Exchange Server 2003 with 3 Years of Software Assurance, twenty-one (21) licenses of Microsoft Office Professional with 3 Years of Software Assurance, fifty (50) licenses of Microsoft Office Standard with 3 Years of Software Assurance and four (4) processor licenses of SQL Server 2005 w/o Software Assurance from Govconnection, 2150 Post Road, Fairfield, CT 06824 under State Contract #56534 not to exceed \$55,219.90; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for

such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide said licenses to the Township of Marlboro; and

WHEREAS, funds are available in MCIA Account Number Y-01-55-012-902 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said licenses;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase six (6) licenses of Windows Server 2003 with 3 Years of Software Assurance, 1 (1) license of Exchange Server 2003 with 3 Years of Software Assurance, forty (40) Client Access Licenses (CALs) for Exchange Server 2003 with 3 Years of Software Assurance, twenty-one (21) licenses of Microsoft Office Professional with 3 Years of Software Assurance, fifty (50) licenses of Microsoft Office Standard with 3 Years of Software Assurance and four (4) processor licenses of SQL Server 2005 w/o Software Assurance from Govconnection, 2150 Post Road, Fairfield, CT 06824 under State Contract #56534 not to exceed \$55,219.90; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Govconnection, Fairfield, CT
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

RESOLUTION # 2006-175

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

LED Message Center

RESOLUTION # 2006-176

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$15,515.28 for the year 2005 for Block 176 Lot 26, located at 363A Route 9, assessed to Shurgard Storage Centers, Inc.,

WHEREAS, the 2005 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$15,515.28,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$15,515.28 to Daniel G. Keough, Esq. Trustee for Shurgard Storage Centers, Inc. as noted above.

RESOLUTION # 2006-177

WHEREAS, a payment for the 2006 first quarter taxes in the amount of \$12,020.32 has been received from Tennent Estates, LLC, former assessed owner for Block 147 Lot 32, located on Tennent Road, based upon the preliminary bill, and,

WHEREAS, this block and Lot no longer appears on the current tax rolls,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$12,020.32 to Tennent Estates, LLC.

At 9:30PM, Council President Morelli moved that the meeting go into executive session for reason of discussing litigation, property acquisition, contract negotiation and personnel. This was seconded by Councilman Rosenthal and passed on a roll call vote of 4 - 0 in favor. (Absent: Pernice). Recess was called and the executive session reconvened at 9:50 PM.

RESOLUTION # 2006-178

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 20th day of April, 2006 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings

Act, namely litigation, property acquisition, contract negotiation and personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 11:00PM, Council President Morelli moved that the meeting be opened. This was seconded by Councilman Rosenthal, and as there was no objection, the Clerk was asked to cast one ballot.

At 11:01PM, Council President Morelli moved that the meeting be adjourned. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: May 18, 2005

OFFERED BY: Morelli

AYES: 5

SECONDED BY: Pernice

NAYS: 0

ABSENT:

ALIDA DE GAETA
MUNICIPAL CLERK

PATRICIA MORELLI
COUNCIL PRESIDENT